



The Teachers' Union



ACADEMY SCHOOLS

Questions staff frequently ask

Q. What will happen to my terms and conditions if my school becomes an academy?

A. In the first instance, your terms and conditions would remain the same because of the protections of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). However, new employees can be employed on different terms and conditions because academy schools are not in any way bound by the national pay and conditions framework, nor are any agreements negotiated locally with your local authority. Many academies have put pressure on existing staff to change their pay and conditions.

Q. Will academy schools be bound by the School Teachers' Pay and Conditions Document?

A. No, academy schools would be free to invent new terms and conditions for new staff.

Q. Will the pay and conditions negotiated with the local authority apply to support staff?

A. No, academy schools would be free to invent new terms and conditions for new staff.

Q. What sorts of changes might be proposed?

A. All sorts of changes can be proposed. For example, in some existing academies there is Saturday working; others have longer school days and longer school years, often without additional pay.

Some academies pay less maternity pay than their neighbouring schools. In some cases, staff who have moved to an academy have not had their previous service recognised for maternity purposes and have lost all built-up entitlement to maternity pay.

Q. How short a time could it be before my school becomes an academy?

A. The government says this can be as little as three months – including school holidays.

You may know nothing about this process until the governing body has taken the step of voting to become an academy. It is important to seek confirmation from the headteacher and Governing Body on whether the school is considering conversion to academy status.

Q. Is there a requirement for staff to be consulted?

A. Schools are legally required to consult before becoming an academy. If you are concerned about your school becoming an academy you should ask your local union representative to approach your headteacher or Governing Body immediately for clarification on whether an application to become an academy is being considered or pursued.

If your school is converting to become an academy, as an employee you have a separate right to be consulted on the impact of any change in the status of your school under the TUPE Regulations. This cannot happen effectively during a school holiday.

Q. My school isn't called 'outstanding' by Ofsted – can it still become an academy?

A. Yes. Any governing body can apply for academy status. In addition, if your school is deemed by the government to be a 'failing' school, it can be closed and reopened as an academy.

Q. Which types of school are under threat of becoming an academy?

A. All primary and secondary schools, including special schools.

Q. Will private companies be involved in academies?

A. Some schools, particularly those the government deems to be 'failing' will be required to have an external sponsor but most schools will establish a trust made up of members of the Governing Body who will become the proprietors of the academy.

Q. What happens to support from the local authority?

A. Becoming an academy would remove the provision of support from the local authority, such as their advisory services, disability support, behaviour support, child and adolescent health and social care services, emergency contingencies, advisory services, training and professional development, payroll support and facilitation of school networks. Any school that becomes an academy would need to fund such provision from within its own budget. If a school does not purchase services from the local authority, these may well become more expensive for schools to procure since individual academies would not benefit from the same economies of scale as the local authority. Provision in the academy is likely to cost more rather than less because commercial rates will have to be paid.

Q. Do local authorities matter to schools and staff?

A. Yes they do. The local authority provides an important safety net for schools, supporting them particularly when schools encounter deficit problems with their budgets and financial management problems, and supports schools and the workforce in terms of responding to such matters as staff health and welfare, maternity provision, reasonable adjustments for disabled staff, statutory induction provision, staff training and development, safety and security, challenging parents and pupils and so on. Local authorities also facilitate effective working relationships within schools and, as a result of mechanisms such as the Joint Negotiating Committees, provide better industrial relations.

Q. Does the local authority have to be consulted on an application by a school for conversion to become an academy?

A. The Academies Act 2010 says that before a maintained school in England is converted into an academy, the school's Governing Body must consult such persons as they think appropriate. The consultation must be on the question of whether the school should be converted into an academy and can take place before or after the Secretary of State has made an order. Therefore the governing body must only consult the local authority if they think it appropriate. The trade unions believe, however, that when they are ordered to cease to maintain one of their schools, local authorities must publicly consult on that. Indeed, we believe it is in the local authority's interests to consult, as if things go wrong at the school during conversion to academy status and beyond, the local community will still look to local councillors to resolve issues and will undoubtedly hold them and the authority accountable.

Q. Will my school get more freedom?

A. There is a general myth that local authorities exert operational control over the day-to-day running of schools. Non-academy schools already enjoy considerable autonomy over their affairs, but nevertheless are accountable

for their use of public money. Academy schools will be subject to the same inspection and test/examination performance regimes as maintained schools and their results will continue to be included in the league tables.

Under the Academies Act 2010, academies are exempt charities, required to comply with the Companies Act. They must submit financial returns to the Young People's Learning Agency (YPLA) four times a year.

The Government argues that academies would have greater freedom from the local authority and on staff pay and conditions of service. However, the academy would be held to account by the Secretary of State and officials in Whitehall rather than an official in the local authority who is likely to know the school and its local context. Furthermore, academy schools remain subject to primary legislation, including employment law, health and safety, and equalities legislation.

Q. Will standards rise?

A. Independent research and evaluation provides no evidence that academies are better than other schools in raising educational standards. Like maintained schools, some academies do well, while others struggle.

Q. Will academies be freed from Ofsted inspection?

A. Academies will be subject to the same inspection regime as maintained schools.

Q. Will my school get more money?

A. The Department for Education (DfE) will provide a grant to schools to assist with the costs associated with the academy conversion process (around £25,000), but this grant is only payable on completion of academy conversion and is unlikely to meet the full costs of conversion. Schools that incur costs but do not complete academy conversion would have to meet these costs from within their core budget.

The Government claims that schools will be better off because they would be able to spend money currently with the local authority on support services. However, the academy school will still have to procure services to ensure that they continue to deliver their statutory functions. Given that local authorities have delegated a significant proportion of their budgets to schools, schools will be able to save very little, if any, money. In fact, academy schools could well have higher costs.

Q. Will schools that convert to academy status get a new building?

A. There is no additional money to support new buildings or refurbishment to existing buildings for schools that become an academy.

Q. Will my school get curriculum freedom?

A. Every school currently has the freedom to decide how to implement the curriculum. Schools will continue to be accountable for how they deploy their financial resources and the standards they achieve.

Q. Can we do anything about this?

A. All the main teacher unions (ATL, NASUWT, NUT) and support staff unions (GMB, UNISON, Unite) are opposed to the academy schools policy and are working together to oppose it.

By working together, you can help to persuade Governors at your school not to go down the academy route. You can talk to other staff colleagues in your school about the threat that academies pose and discuss your views with the headteacher. You can also get further information from your union.